



10-02-07

JKW

September 28, 2007

Commissioner for Patents
ATTN: Cesar B. Paula
PO Box 1450
Alexandria, VA 22313-1450

re: Patent Application 10/751,021, reply to 6/28/07 Office Action Summary

Dear Mr. Paula,

I am writing in response to your correspondence of 6/28/2007 for Patent Application #10/751,021.

I have addressed the issue 3 in your detailed actions and properly removed "Withdrawn - amended."

With regard to issue 4. I cannot find the problems with the drawings that you list. You list that Fig 2 is missing these reference signed missing in the description: steps 105, 110, 15,120, 125, 130, 135 and 145. Similarly, I don't see the issue with 1a-5, either. I have included the descriptions of Figure 2, taken from my application:

DETAILED DESCRIPTION OF THE INVENTION

The following detailed description sets forth numerous specific details to provide a thorough understanding of the invention. However, those of ordinary skill in the art will appreciate that the invention may be practiced without these specific details. In other instances, well-known methods, procedures, protocols, components, algorithms and circuits have not been described in detail so as not to obscure the invention. In one embodiment, the present invention discloses a method and apparatus by which the user can gather the URLs for specific web pages from the World Wide Web, arrange them into a navigable WebPipe, enable contextual communications therein and store the WebPipe for access by others. Furthermore, the present invention enables notes and advertisements that are contextually relevant to specific web pages to be stored in a database and accessed by others.

Figure 1 shows the button 105 to invoke an embodiment of the present invention. **Figure 2** is an exemplary flow diagram illustrating the authoring process for one embodiment of the invention. In this embodiment, the user decides to create a WebPipe. As the user navigates the World Wide Web with their web browser, they encounter web pages of interest that they wish to add to their WebPipe, as shown in step 210. The user then launches the SidePipe client application as shown in step 215. The user decides in step 220 whether to add the page to an existing WebPipe or to create a new WebPipe. If the user wishes to create a new WebPipe, they do so as such in step 225. The operator then can associate a variety of data with the web page; in one embodiment, the user now gives a name to this page of their WebPipe, and can add comments for the page if they wish; this data is then transmitted via TCP/IP to a central server which stores said data in a database. The user then decides whether to continue the process in step 235. If yes, the process repeats starting with step 210. If not, then the process stops in step 240.

I do not see any references to the steps that you mention in the description. I remember submitting revised figures two or three years ago, in response to similar issues, and I believe that they passed. Are you sure that you are looking at the correct latest version of the application? I want to get this application in order, and I apologize if I am missing something here. But I honestly don't see the problem! Please advise on next steps, I will expedite fixing this on my end if that is where the problem lies.

I have also written up some notes on the utility of my invention, its intended purpose and its possible uses. I think it will distinguish my invention from the other products you cited.

Kind regards,



Christopher Bohn

Introductory Comments

I am amending my application to better convey the utility of the invention in my application. In your correspondence, you cite two other patents and applications as conflicting with my claims. I will explain now why my invention has utility beyond what those applications cover.

This invention is concerned with the ability of an end-user of a digital media player to link content of their own choosing to a digital media performance, and have that content be accessible by others. The two citations that you give are those of Gracenote and MusicBrainz. Let me explain the difference. It is true that those two entities allow access to relevant data to the digital media performance that is currently playing in a end-user's media player – but it is content of their own choosing, not the end-user and any other end user. Gracenote and MusicBrainz are the gatekeepers of their servers that contain the content that is displayed to the end-user. The end-user has no means to input their own content into that system, and neither Gracenote nor MusicBrainz anticipate such usage. My invention does allow that, and it provides utility distinct from what Gracenote and MusicBrainz provide.

Here is an example to illustrate the utility of my invention. Suppose a professor publishes podcasts of their class lectures for download by students. These podcasts, once downloaded, are invariably played within a media player such as Microsoft Windows Media Player. Now there is value in listening to the podcast all by itself. However, what if the professor has supplemental documents that are accessible on the internet and that the professor deems important to disseminate to the listeners of the podcasts. Such material may be links to website, links to PDF documents, links to online encyclopedias, etc. The Gracenote and MusicBrainz products that you cite are of no use in this scenario, because for one, they cannot recognize the podcast and likely do not have an entry in their server database for it, and secondly, they provide no means for the professor to link their content to the podcast and thus make it available to the listeners. This, however, is exactly what my invention does. Using my invention, the professor can easily link any material accessible on the internet (web pages, PDF files, etc.) to that podcast. And subsequently any listener who has install the invention plugin into their media player can instantly see that attached content. That is utility that Gracenote and MusicBrainz neither provide nor anticipate. Gracenote and MusicBrainz are providers of content that is pre-determined by them and set up for certain media titles (such as music). The end-user is a passive recipient of the content that is provided by Gracenote and Music brains own editorial. My invention allows the user to link content of their own choosing to the media performance. Furthermore, the central server in my invention does depend on having indexed or categorized the media performance prior to such a linkage by an end user for the utility to happen. If the professor in our example wanted to have his own content available via the Gracenote or MusicBrainz products, he would have to contact them, get their acquiescence and then get the content to them so that those companies could arrange for the material to appear when an end-user listens to that podcast. That model is simply not the way those products work, and they do not anticipate such utility. Indeed, those products have been out for many years now and they have not added such capability, which further goes to show that such utility is not obvious to someone skilled in the art. If it were, they would have added it, since the utility is real and of value.

Here are some further examples of the utility of my invention which are not possible with any other product or technology that I know of:

1. Many bands release home-made MP3 recordings of their music, in the hopes that it will become popular and they will become a hit. This music is often distributed as MP3 files via the internet, and played on digital media players. Because these are new artists, their performances are not recognized by Gracenote and MusicBrainz, because those products have a design where they have to know about the music performance prior to associating any content with it. As a result, end-users get the music and can listen to it, but they don't have access to any supplemental content specific to the band or the song. Again, Gracenote and MusicBrainz are of no help here, because these are new and obscure performances by no-name artists and these companies have had no chance to prepare relevant content. If you try using the Gracenote or MusicBrainz service, you will not see any content yet. My invention provides utility beyond Gracenote or MusicBrainz because it allows the artist to link the content of

their choosing to the performance, and they are not dependent on a third party to set that up. With my invention, listeners can instantly access the material that the artist has linked to the performance they are listening to. This can be links to the band web site, location of shows, T-shirt sales, etc. Again, that is unique utility that to my knowledge only my invention brings.

2. Consider that a lot of education today happens through digital lectures, both audio and video. As with the example given above with the professor, there is a need for the creators of digital media performances, be it an audio podcast of a lecture or a digital video of a lecture, to link their own content for immediate and contextual dissemination to the listeners or viewers of that performance. Gracenote and MusicBrainz don't do that, and can't do that.

Another unique aspect of my invention is the ability to post messages aligned with the timing of the performance. These are messages that once posted, are accessible immediately by others possessing the plugin component of the invention. This also has great utility not found in any other technology. This allows a user to post messages which will appear to others at certain times during the playing of the performance. Imagine that you are listening to a podcast of a radio talk show. The common way to interact with the radio show is to call in and get on the air. But if you are listening to a podcast of the show, you are probably listening at a time of your own choosing. With my invention, you can write comments in real time, and those comments will show up at that some point of the performance playback by others. If you wish to make a point about what the talk show host is saying at a specific point in time, you type in your message and it gets conveyed to a central server. Anytime someone else listens to the same performance, at the same point in the performance your message will appear to them. You can also post links to external web content, for example. If you are listening to a podcast of a news program discussing global warming, for example, you may wish to post some links to supplemental content on the internet. That has great utility in many ways, in the field of education and so on. To my knowledge, there is no other application or invention that enables that utility, and that is why my invention is worthy of patent.

The best analogy I can give about this product when compared to Gracenote and MusicBrainz is to imagine those two companies' offering as being like the online Encyclopedia Britannica. You can go to that site and research a topic, but the information that you get is editorially directed exclusively by that company. The viewer is simply a passive consumer of the information that they provide. Contrast that with Wikipedia, which is also an encyclopedia but one where end-users can add their knowledge to a topic. That has utility that is different than the online Encyclopedia Britannica. My invention is akin to Wikipedia and Gracenote/MusicBrainz is akin to Encyclopedia Britannica. The difference is the nexus is a digital media performance as opposed to a topic. In this way, my invention has singular and unique utility beyond what Gracenote and MusicBrainz provide.

I hope that this has cleared up the difference between my invention and Gracenote and MusicBrainz. I have amended my claims accordingly (attached). I have also attached the revised drawing that you requested.

Christopher Bohn

A handwritten signature in black ink, appearing to read 'Chris Bohn', with a long horizontal flourish extending to the right.